

IN UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

SCOTT VINCENT, )  
 )  
PLAINTIFF, )  
 )  
vs. ) CIVIL ACTION No:  
 ) CV108 067  
AMERICAN HONDA MOTOR CO., )  
INC. )  
 )  
DEFENDANT. )

**AMERICAN HONDA MOTOR CO., INC.’S NOTICE OF INTENTION TO ASSERT  
THE NEGLIGENCE OR FAULT OF THE “PHANTOM DRIVER”**

AMERICAN HONDA MOTOR CO., INC. (“AHM”), pursuant to O.C.G.A. § 51-12-33(d)(1), gives notice of its intention to assert the negligence of the “phantom driver” Ms. Vincent claims to be at fault in this matter, and respectfully shows the Court as follows:

1.

AHM is the only defendant in this action.

2.

The “phantom driver” was mentioned in the police report and the depositions of Candice Vincent and Scott Vincent. Both Candice Vincent and Scott Vincent allege that the “phantom driver” was traveling at a high rate of speed when he attempted to change lanes and swerved into the Vincents’ lane of traffic. Ms. Vincent alleges that this caused her to steer to the left and steer to the right, which ultimately resulted in the crash that forms the basis of this lawsuit.

3.

Plaintiff is expected to offer evidence through the testimony of various witnesses that the “phantom driver’s” actions were a proximate cause of the subject accident; AHM will, in that

case, show that if the account of the phantom driver is to be believed, then the phantom driver was a cause of the crash and the injuries sustained by plaintiff Scott Vincent.

WHEREFORE, American Honda Motor Co., Inc. prays that the Court inquire into this matter and entertain evidence on this matter and, if supported by the evidence, allow the jury in this case, pursuant to O.C.G.A. § 51-12-33(d)(1), to assess a percentage of fault attributable to the “phantom driver” as part of the jury’s verdict.

Respectfully submitted this 9th day of February, 2011.

MCKENNA LONG & ALDRIDGE LLP

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 9, 2011 a copy of the foregoing was filed with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the following attorneys of record addressed to:

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